

**CONTENTS****CHAPTER 790. SERVICES TO EMPLOYEES (GENERAL)**

<b>PARAGRAPH</b>	<b>PAGE</b>
1. Scope.....	1
2. Policy.....	1
3. Counseling .....	1
4. Housing Assistance .....	1
5. Eating and Refreshment Facilities .....	2
6. Federal Voting Assistance Program .....	2
7. Bulletin Boards .....	2
8. Newspapers and Newsletters .....	2
9. Insurance and Financial Assistance Plans .....	3
10. Recreational and Social Activities .....	4
11. Employee Identification Cards .....	4
12. Reimbursement for Damage or Destruction of Personal Property .....	5
13. Personnel Claims .....	6
14. Drivers' Liability .....	6
15. Child Day Care Centers .....	6



## **CHAPTER 790. SERVICES TO EMPLOYEES (GENERAL)**

### **1. SCOPE**

This chapter contains policies and instructions pertaining to various benefits and services offered for employees by management. It also provides for appropriate cooperation in community efforts to improve conditions which affect VA employment. Benefits and services provided by employee associations or similar groups are discussed in MP-5, part I, chapter 712.

### **2. POLICY**

It is VA policy:

- a. To provide benefits and services within the limits of laws, regulations, and resources to meet employee and management objectives.
- b. To cooperate in the development of employee-provided services which are compatible with laws, regulations, policy, and good community relations.
- c. To cooperate to the extent permitted by law in improving community facilities needed by employees and valuable to management for enhancing equal employment opportunity for employees and applicants.
- d. To recognize that approved activities carried out within the provisions of this chapter are proper management activities for which official time is appropriate.

### **3. COUNSELING**

An employee may be allowed to discuss a problem without charge to leave during duty hours with appropriate VA Officials who can be helpful in providing guidance. The employee must get the supervisor's permission before leaving the work area but need not tell the reason for the discussion. The supervisor may require the employee to schedule the visit in order to avoid undue interruption of the unit's work. Upon the supervisor's request, the employee must furnish the name of the counselor. The supervisor may contact the counselor to verify the amount of time spent in counseling.

### **4. HOUSING ASSISTANCE**

- a. The Human Resources Management (HRM) Office should obtain current information on available housing which can be furnished to employees as needed.
- b. VA officials will cooperate to the extent permitted by law in community efforts to resolve fair housing inequities.

## **5. EATING AND REFRESHMENT FACILITIES**

a. Facilities should be made available so that employees may have meals within the time allowed for eating. Arrangements for eating facilities will be made through the Public Buildings Service, General Services Administration, when they control and maintain the premises.

b. Suitable facilities should be provided and maintained in a sanitary condition for employees who bring lunches.

## **6. FEDERAL VOTING ASSISTANCE PROGRAM**

a. Federal Voting Assistance is provided under 42 U.S.C. chapter 20, to assist absentee voting by U.S. citizens temporarily residing outside the territorial limits of the United States and the District of Columbia. An employee and the spouse and dependents residing with or accompanying the employee are affected.

b. Voting information and a supply of SF 76, Post Card Registration and Absentee Ballot Request, will be maintained by a voting officer designated by the station Director at Manila, Republic of the Philippines, and San Juan, Commonwealth of Puerto Rico.

c. Employees, spouses, and dependents will be given assistance to enable them to vote by absentee ballot in general, primary, and special elections. Current absentee ballot voting information will be available, and the integrity and secrecy of ballots cast will be safeguarded.

d. Installation voting officers will issue SF 76 to eligible persons in advance of general elections. These forms will be stocked for issuance of eligible persons who request them for other elections.

## **7. BULLETIN BOARDS**

Individual employees may be permitted, at the discretion of management, the use of bulletin board space set aside for such purposes as car pools, housing, and other personal matters. The station head shall develop a policy concerning the type, appearance, and timeliness of permitted material which shall be consistent with law and regulations. Before posting material, an employee must obtain permission from the appropriate HRM staff member.

## **8. NEWSPAPERS AND NEWSLETTERS**

a. Provided by Management

(1) A station may publish a news medium limited to VA management use to inform employees about matters affecting them officially. However, the publishing and printing must be done only within the limitation of funds for employee salaries and availability of VA equipment and supplies. Copies will be sent to the department concerned in Central Office.

(2) In editing or reviewing items for the news medium, the HRM staff will insure that all material is suitable and conforms to policy.

(3) The office in charge of VA reproduction or duplicating facilities is responsible for printing the news medium. Sources for printing or duplicating are limited under MP-1, part II, chapter 9.

(4) While the news medium does not take the place of other approved official VA publications, any information about matters affecting employees officially may be printed in it. Commercial advertisements or "personal" items are prohibited.

**b. Provided by Employees**

(1) When an employee newspaper is published by and for employees, each issue must contain a noticeable statement that it is an independent publication which has no official connection with the VA.

(2) No funds appropriated to the VA can be used for publishing an employee-sponsored newspaper or for related incidental expenses. If advertising is solicited as a source of revenue, the following safeguards are required:

(a) Prospective advertisers will be told that the publication has no official connection with the VA.

(b) Advertisements will not knowingly be solicited from concerns doing business with the VA.

(c) Care will be exercised to avoid suggesting that the prospective advertiser's future dealings with the VA would be favored or disfavored according to the response to the solicitation.

**9. INSURANCE AND FINANCIAL ASSISTANCE PLANS**

a. The VA may assist employees who want to buy group insurance from commercial firms. However, the VA will not endorse any particular plan. Advertisements or announcements must not imply VA approval of any plan or policy.

b. The VA will not furnish information on plans or policies of commercial insurance companies. When employees are considering or selecting such plans, the privileges outlined below are allowed.

c. Employees may form voluntary cooperative associations to offer emergency financial assistance to employees. MP-5, part I, chapter 712, contains information and appropriate instructions.

## **10. RECREATIONAL AND SOCIAL ACTIVITIES**

a. Employee efforts to develop and engage in educational, recreational, and social activities outside working hours may be encouraged. Employees may be informed through station newspapers or other announcements of such activities, services, and facilities available in the local community.

(1) Representatives of the plan must obtain permission from the HRM office to describe it at group meetings held outside working hours in buildings occupied by the VA. The meetings announced by the HRM office for this purpose must not interfere with the work of the VA.

(2) Material about a plan chosen by employees may be posted and distributed to individual employees in VA occupied buildings.

b. Government facilities, such as auditoriums, gymnasiums, recreation halls, bowling alleys, or tennis courts which are provided for patients and patient members may be used by employee if:

(1) The station Director gives specific approval;

(2) The use is within the limitations of VHA Manual M-2, Part VIII;

(3) the space is not needed for patients or any other government purpose during the time involved.

c. Employees at stations declared isolated by the Secretary may use recreational equipment and supplies provided for VA beneficiaries in addition to using facilities as noted above. Employees at other stations cannot be allowed to do so. VA personnel on duty status are prohibited from supervising employee recreational activities.

## **11. EMPLOYEE IDENTIFICATION CARDS**

a. Identification may be required to enter or leave VA buildings or installations during or proximate to regular working hours. Cards are generally issued to all employees for this purpose.

b. VA Form 84, Employee Identification Card--Central Office, will be used as identification for Central Office employees; VA Form 84a, Employee Identification Card--Field, is for field station use. With approval of the department concerned, identification cards with photographs may be issued in lieu of VA Form 84a.

c. A specific building pass may be issued to allow an employee to enter or leave the building or installation outside regular duty hours or VA Form 84 or 84a may be used. The installation name and the words "Building Pass" may be stamped on the card, or the photo backdrop may be

varied (e.g., a dark color background for the photograph indicating access at all hours, and a light color indicating access only during regular duty hours).

d. Local management will determine the procedures for issuance of building passes.

e. The supervisor will obtain the identification card when the employee leaves the VA installation permanently and forward it to the appropriate local office for disposition. It is particularly important to recover identification cards that permit an employee access to buildings outside the regular duty hours.

f. An employee must report promptly to his or her supervisor the loss or theft of an identification card. A replacement card will be issued, if necessary. A lost or stolen card that is recovered will be forwarded to the appropriate office for disposition.

## **12. REIMBURSEMENT FOR DAMAGE OR DESTRUCTION OF PERSONAL PROPERTY**

a. Employees may claim reimbursement under 38 U.S.C. 703(e), 38 C.F.R. 17.78, for their personal property damaged or destroyed by a patient or patient member while the employee was engaged in the performance of official duties. Personal property is that normally used in day-to-day employment (e.g., eyeglasses, hearing aids, clothing, etc.) which does not violate VA or field station policies or regulations.

b. The supervisor or appropriate official will inspect the damage or destroyed property, preferably at the time the incident occurs. All damaged property should be repaired whenever possible, but replacement is allowed when repair is not economically feasible. Reimbursement for repair or replacement will be made only to the employee.

c. Claims will be filed on VA Forms 4629. Claim for Reimbursement for Damaged or Destroyed Personal Property, as soon as practicable after the damage or destruction occurs.

(1) The employee who sustains the loss will complete section I and obtain the signatures of witnesses, if any. The employee will submit the claim to the supervisor or other appropriate official.

(2) An appropriate official, normally the chief of a service at a medical center or equivalent at other field stations, will review the claim, obtain any additional information needed, and if possible determine the feasibility of repair. the official will complete section II of the form and forward the claim to the field station Director or designee. The field station Director or designee will approve the claim and forward it for payment, or give the reasons for disapproval.

(3) A receipt, or a merchant's estimate, for the cost of repair or replacement normally will accompany the claim. The station Director may waive this requirement when it is impractical to get a receipt or estimate. The Director will certify that the amount claimed has been verified as fair and reasonable.

d. The Director of the station where the incident occurs will adjudicate an employee claim. The claimant may be an employee of another VA organizational element, such as a regional office Veterans Benefits Counselor on duty at a medical center.

### **13. PERSONNEL CLAIMS**

a. An employee may file a claim under 31 U.S.C. 3721 (38 C.F.R. 14.664 – 14.669) to recover not more than \$40,000 due to damage or loss of personal property incident to service. However, a claim of this type generally may not be considered unless it was first filed under 38 U.S.C. 703(e), 38 C.F.R. 17.78 (see par. 12 of this chapter), and was denied.

b. For further information on the processing of these claims, the Personnel Officer should consult with the District Counsel.

### **14. DRIVERS' LIABILITY**

a. Chapter 171 of title 28, U.S.C. provides that a suit against the United States will be the exclusive remedy available to a claimant for injury or death resulting from the operation by a Government employee of a motor vehicle while acting within the scope of employment. (38 C.F.R. 14.610.)

b. The claimant must file an administrative claim with the Federal agency, which has 6 months to consider it prior to its approval or denial. The Regional Counsel should be consulted for further information on this subject.

c. If an employee operator of a motor vehicle is injured or killed in the scope of employment, the sole recourse against the Government would be limited to the provisions of 5 U.S.C. Chapter 81, "Compensation for Work Injuries," since that chapter of title 5 is the exclusive remedy against the Government for work-related injuries. See VA Directive 5810, about injury compensation.

d. Employees who operate motor vehicles or privately owned vehicles on Government business should consider carrying private liability insurance to cover the situation in which the employee may not be afforded the protection of 28 U.S.C. chapter 171, as discussed above. In other words, an employee would not be covered for an accident while driving a Government vehicle not in the scope of employment, such as deviating from a generally traveled route in order to perform personal errands.

### **15. CHILD DAY CARE CENTERS**

Where child care centers are needed by employees or applicants to improve their productivity or availability, stations may cooperate where legally permissible with community groups in their establishment.